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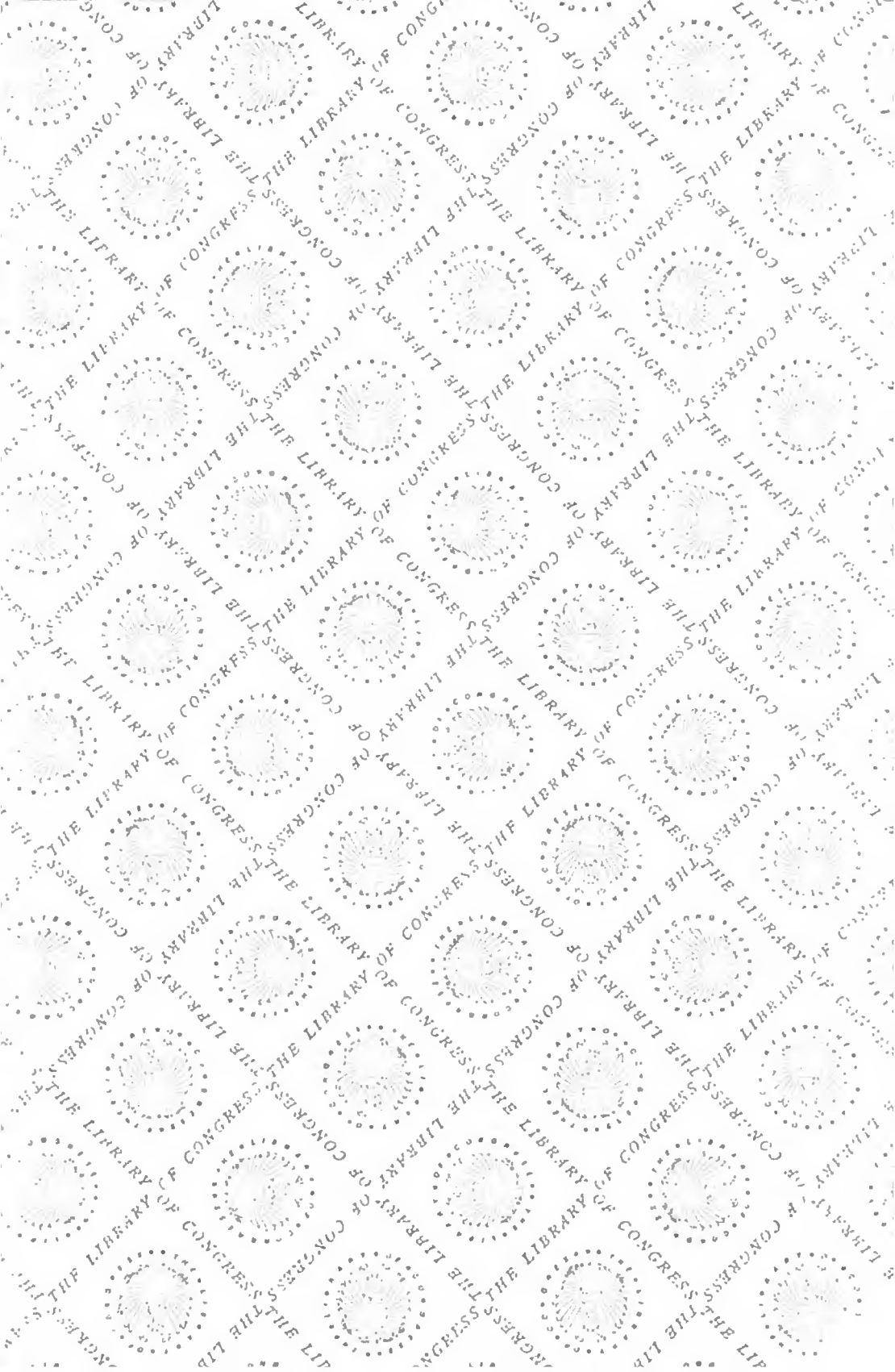
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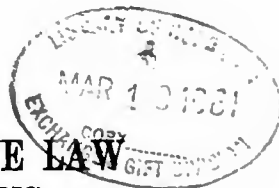




TAHOE REGIONAL PLANNING COMPACT

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HEARING
BEFORE THE
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS
SECOND SESSION
ON
H.R. 8235
TAHOE REGIONAL PLANNING COMPACT



NOVEMBER 13, 1980

Serial No. 58



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TAHOE REGIONAL PLANNING COMPACT

THURSDAY, NOVEMBER 13, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to other business, at 12:35 p.m., in room 226, Rayburn House Office Building, Hon. George E. Danielson (chairman of the subcommittee) presiding.

Present: Representatives Danielson, Hughes, Harris, Moorhead, and McCoy.

Also present: William P. Shattuck, counsel; Janet S. Potts, assistant counsel; Alan F. Coffey, Jr., associate counsel; and Florence T. McGrady, clerical staff.

Mr. DANIELSON. We will take up the bill H.R. 8235, which is another interstate compact, between the States of Nevada and California.

[The bill H.R. 8235 follows:]

96TH CONGRESS
2D SESSION

H. R. 8235

To grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 1980

Mr. SANTINI (for himself, Mr. JOHNSON of California, Mr. SHUMWAY, Mr. PHILLIP BURTON, Mr. CLAUSEN, and Mr. FAZIO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That in order to encourage the wise use and conservation of
4 the waters of Lake Tahoe and of the resources of the area
5 around said lake, the consent of the Congress is hereby given
6 to the Tahoe Regional Planning Compact heretofore adopted

1 by the States of California and Nevada, which compact reads
2 as follows:

3 **TAHOE REGIONAL PLANNING COMPACT**

4 **ARTICLE I.—FINDINGS AND DECLARATIONS OF POLICY**

5 (a) It is found and declared that:

6 (1) The waters of Lake Tahoe and other resources
7 of the region are threatened with deterioration or de-
8 generation, which endangers the natural beauty and
9 economic productivity of the region.

10 (2) The public and private interests and invest-
11 ments in the region are substantial.

12 (3) The region exhibits unique environmental and
13 ecological values which are irreplaceable.

14 (4) By virtue of the special conditions and circum-
15 stances of the region's natural ecology, developmental
16 pattern, population distribution and human needs, the
17 region is experiencing problems of resource use and de-
18 ficiencies of environmental control.

19 (5) Increasing urbanization is threatening the eco-
20 logical values of the region and threatening the public
21 opportunities for use of the public lands.

22 (6) Maintenance of the social and economic health
23 of the region depends on maintaining the significant
24 scenic, recreational, educational, scientific, natural and

1 public health values provided by the Lake Tahoe
2 Basin.

3 (7) There is a public interest in protecting, pre-
4 serving and enhancing these values for the residents of
5 the region and for visitors to the region.

6 (8) Responsibilities for providing recreational and
7 scientific opportunities, preserving scenic and natural
8 areas, and safeguarding the public who live, work and
9 play in or visit the region are divided among local gov-
10 ernments, regional agencies, the States of California
11 and Nevada, and the Federal Government.

12 (9) In recognition of the public investment and
13 multistate and national significance of the recreational
14 values, the Federal Government has an interest in the
15 acquisition of recreational property and the manage-
16 ment of resources in the region to preserve environ-
17 mental and recreational values, and the Federal Gov-
18 ernment should assist the states in fulfilling their re-
19 sponsibilities.

20 (10) In order to preserve the scenic beauty and
21 outdoor recreational opportunities of the region, there
22 is a need to insure an equilibrium between the region's
23 natural endowment and its manmade environment.

24 (b) In order to enhance the efficiency and governmental
25 effectiveness of the region, it is imperative that there be es-

1 tablished a Tahoe Regional Planning Agency with the
2 powers conferred by this compact including the power to es-
3 tablish environmental threshold carrying capacities and to
4 adopt and enforce a regional plan and implementing ordin-
5 ances which will achieve and maintain such capacities while
6 providing opportunities for orderly growth and development
7 consistent with such capacities.

8 (c) The Tahoe Regional Planning Agency shall interpret
9 and administer its plans, ordinances, rules and regulations in
10 accordance with the provisions of this compact.

11 ARTICLE II.—DEFINITIONS

12 As used in this compact:

13 (a) "Region," includes Lake Tahoe, the adjacent parts
14 of Douglas and Washoe counties and Carson City, which for
15 the purposes of this compact shall be deemed a county, lying
16 within the Tahoe Basin in the State of Nevada, and the adja-
17 cent parts of the Counties of Placer and El Dorado lying
18 within the Tahoe Basin in the State of California, and that
19 additional and adjacent part of the County of Placer outside
20 of the Tahoe Basin in the State of California which lies
21 southward and eastward of a line starting at the intersection
22 of the basin crestline and the north boundary of Section 1,
23 thence west to the northwest corner of Section 3, thence
24 south to the intersection of the basin crestline and the west
25 boundary of Section 10; all sections referring to Township 15

1 North, Range 16 East, M.D.B. & M. The region defined and
2 described herein shall be as precisely delineated on official
3 maps of the agency.

4 (b) "Agency" means the Tahoe Regional Planning
5 Agency.

6 (c) "Governing body" means the governing board of the
7 Tahoe Regional Planning Agency.

8 (d) "Regional plan" means the long-term general plan
9 for the development of the region.

10 (e) "Planning commission" means the advisory planning
11 commission appointed pursuant to subdivision (h) of Article
12 III.

13 (f) "Gaming" means to deal, operate, carry on, conduct,
14 maintain or expose for play any banking or percentage game
15 played with cards, dice or any mechanical device or machine
16 for money, property, checks, credit or any representative of
17 value, including, without limiting the generality of the fore-
18 going, faro, monte, roulette, keno, bingo, fantan, twenty-one,
19 blackjack, seven-and-a-half, big injun, klondike, craps, stud
20 poker, draw poker or slot machine, but does not include
21 social games played solely for drinks, or cigars or cigarettes
22 served individually, games played in private homes or resi-
23 dences for prizes or games operated by charitable or educa-
24 tional organizations, to the extent excluded by applicable
25 state law.

1 (g) "Restricted gaming license" means a license to oper-
2 ate not more than 15 slot machines on which a quarterly fee
3 is charged pursuant to NRS 463.373 and no other games.

4 (h) "Project" means an activity undertaken by any
5 person, including any public agency, if the activity may sub-
6 stantially affect the land, water, air, space or any other natu-
7 ral resources of the region.

8 (i) "Environmental threshold carrying capacity" means
9 an environmental standard necessary to maintain a signifi-
10 cant scenic, recreational, educational, scientific or natural
11 value of the region or to maintain public health and safety
12 within the region. Such standards shall include but not be
13 limited to standards for air quality, water quality, soil conser-
14 vation, vegetation preservation and noise.

15 (j) "Feasible" means capable of being accomplished in a
16 successful manner within a reasonable period of time, taking
17 into account economic, environmental, social and technologi-
18 cal factors.

19 (k) "Areas open to public use" means all of the areas
20 within a structure housing gaming under a nonrestricted li-
21 cense except areas devoted to the private use of guests.

22 (l) "Areas devoted to private use of guests" means hotel
23 rooms and hallways to serve hotel room areas, and any park-
24 ing areas. A hallway serves hotel room areas if more than 50

1 percent of the areas on each side of the hallway are hotel
2 rooms.

3 (m) "Nonrestricted license" means a gaming license
4 which is not a restricted gaming license.

5 ARTICLE III.—ORGANIZATION

6 (a) There is created the Tahoe Regional Planning
7 Agency as a separate legal entity.

8 The governing body of the agency shall be constituted
9 as follows:

10 (1) California delegation:

11 (A) One member appointed by each of the
12 County Boards of Supervisors of the Counties of
13 El Dorado and Placer and one member appointed
14 by the City Council of the City of South Lake
15 Tahoe. Any such member may be a member of
16 the county board of supervisors or city council,
17 respectively, and shall reside in the territorial ju-
18 risdiction of the governmental body making the
19 appointment.

20 (B) Two members appointed by the Governor
21 of California, one member appointed by the
22 Speaker of the Assembly of California and one
23 member appointed by the Senate Rules Commit-
24 tee of the State of California. The members ap-
25 pointed pursuant to this subparagraph shall not be

1 residents of the region and shall represent the
2 public at large within the State of California.

3 (2) Nevada delegation:

4 (A) One member appointed by each of the
5 boards of county commissioners of Douglas and
6 Washoe counties and one member appointed by
7 the board of supervisors of Carson City. Any such
8 member may be a member of the board of county
9 commissioners or board of supervisors, respective-
10 ly, and shall reside in the territorial jurisdiction of
11 the governmental body making the appointment.

12 (B) One member appointed by the governor
13 of Nevada, the secretary of state of Nevada or his
14 designee, and the director of the state department
15 of conservation and natural resources of Nevada
16 or his designee. Except for the secretary of state
17 and the director of the state department of conser-
18 vation and natural resources, the members or des-
19 ignees appointed pursuant to this subparagraph
20 shall not be residents of the region. All members
21 appointed pursuant to this subparagraph shall rep-
22 resent the public at large within the State of
23 Nevada.

24 (C) One member appointed for a 1-year term
25 by the six other members of the Nevada delega-

1 tion. If at least four members of the Nevada dele-
2 gation are unable to agree upon the selection of a
3 seventh member within 60 days after the effective
4 date of the amendments to this compact or the oc-
5 currence of a vacancy on the governing body for
6 that state the governor of the State of Nevada
7 shall make such an appointment. The member ap-
8 pointed pursuant to this subparagraph may, but is
9 not required to, be a resident of the region within
10 the State of Nevada.

11 (3) If any appointing authority under paragraph
12 (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an ap-
13 pointment within 60 days after the effective date of the
14 amendments to this compact or the occurrence of a va-
15 cancy on the governing body, the governor of the state
16 in which the appointing authority is located shall make
17 the appointment. The term of any member so appoint-
18 ed shall be 1 year.

19 (4) The position of any member of the governing
20 body shall be deemed vacant if such a member is
21 absent from three consecutive meetings of the govern-
22 ing body in any calendar year.

23 (5) Each member and employee of the agency
24 shall disclose his economic interests in the region
25 within 10 days after taking his seat on the governing

1 board or being employed by the agency and shall
2 thereafter disclose any further economic interest which
3 he acquires, as soon as feasible after he acquires it. As
4 used in this paragraph, "economic interests" means:

5 (A) Any business entity operating in the
6 region in which the member or employee has a
7 direct or indirect investment worth more than
8 \$1,000.

9 (B) Any real property located in the region
10 in which the member or employee has a direct or
11 indirect interest worth more than \$1,000.

12 (C) Any source of income attributable to ac-
13 tivities in the region, other than loans by or de-
14 posits with a commercial lending institution in the
15 regular course of business, aggregating \$250 or
16 more in value received by or promised to the
17 member within the preceding 12 months; or

18 (D) Any business entity operating in the
19 region in which the member or employee is a di-
20 rector, officer, partner, trustee, employee or holds
21 any position of management.

22 No member or employee of the agency shall make, or
23 attempt to influence, an agency decision in which he
24 knows or has reason to know he has an economic in-
25 terest. Members and employees of the agency must dis-

1 qualify themselves from making or participating in the
2 making of the agency when it is reasonably foreseeable
3 that the decision will have a material financial effect,
4 distinguishable from its effect on the public generally,
5 on the economic interests of the member or employee.

6 (b) The members of the agency shall serve without com-
7 pensation, but the expenses of each member shall be met by
8 the body which he represents in accordance with the law of
9 that body. All other expenses incurred by the governing body
10 in the course of exercising the powers conferred upon it by
11 this compact unless met in some other manner specifically
12 provided, shall be paid by the agency out of its own funds.

13 (c) Except for the secretary of state and director of the
14 state department of conservation and natural resources of
15 Nevada and the member appointed pursuant to subdivision
16 (a)(2)(C), the members of the governing body serve at the
17 pleasure of the appointing authority in each case, but each
18 appointment shall be reviewed no less often than every 4
19 years. Members may be reappointed.

20 (d) The governing body of the agency shall meet at least
21 monthly. All meetings shall be open to the public to the
22 extent required by the law of the State of California or the
23 State of Nevada, whichever imposes the greater requirement,
24 applicable to local governments at the time such meeting is
25 held. The governing body shall fix a date for its regular

1 monthly meeting in such terms as "the first Monday of each
2 month," and shall not change such date more often than once
3 in any calendar year. Notice of the date so fixed shall be
4 given by publication at least once in a newspaper or combina-
5 tion of newspapers whose circulation is general throughout
6 the region and in each county a portion of whose territory
7 lies within the region. Notice of any special meeting, except
8 an emergency meeting, shall be given by so publishing the
9 date and place and posting an agenda at least 5 days prior to
10 the meeting.

11 (e) The position of a member of the governing body shall
12 be considered vacated upon his loss of any of the qualifica-
13 tions required for his appointment and in such event the ap-
14 pointing authority shall appoint a successor.

15 (f) The governing body shall elect from its own members
16 a chairman and vice chairman, whose terms of office shall be
17 2 years, and who may be reelected. If a vacancy occurs in
18 either office, the governing body may fill such vacancy for
19 the unexpired term.

20 (g) Four of the members of the governing body from
21 each state constitute a quorum for the transaction of the busi-
22 ness of the agency. The voting procedures shall be as follows:

23 (1) For adopting, amending or repealing environ-
24 mental threshold carrying capacities, the regional plan,
25 and ordinances, rules and regulations, and for granting

1 variances from the ordinances, rules and regulations,
2 the vote of at least four of the members of each state
3 agreeing with the vote of at least four members of the
4 other state shall be required to take action. If there is
5 no vote of at least four of the members from one state
6 agreeing with the vote of at least four of the members
7 of the other state on the actions specified in this para-
8 graph, an action of rejection shall be deemed to have
9 been taken.

10 (2) For approving a project, the affirmative vote
11 of at least five members from the state in which the
12 project is located and the affirmative vote of at least
13 nine members of the governing body are required. If at
14 least five members of the governing body from the
15 state in which the project is located and at least nine
16 members of the entire governing body do not vote in
17 favor of the project, upon a motion for approval, an
18 action of rejection shall be deemed to have been taken.
19 A decision by the agency to approve a project shall be
20 supported by a statement of findings, adopted by the
21 agency, which indicates that the project complies with
22 the regional plan and with applicable ordinances, rules
23 and regulations of the agency.

24 (3) For routine business and for directing the
25 agency's staff on litigation and enforcement actions, at

1 least eight members of the governing body must agree
2 to take action. If at least eight votes in favor of such
3 action are not cast, an action of rejection shall be
4 deemed to have been taken.

5 Whenever under the provisions of this compact or any ordi-
6 nance, rule, regulation or policy adopted pursuant thereto,
7 the agency is required to review or approve any project,
8 public or private, the agency shall take final action by vote,
9 whether to approve, to require modification or to reject such
10 project, within 180 days after the application for such project
11 is accepted as complete by the agency in compliance with the
12 agency's rules and regulations governing such delivery unless
13 the applicant has agreed to an extension of this time limit. If
14 a final action by vote does not take place within 180 days,
15 the applicant may bring an action in a court of competent
16 jurisdiction to compel a vote unless he has agreed to an ex-
17 tension. This provision does not limit the right of any person
18 to obtain judicial review of agency action under subdivision
19 (h) of Article VI. The vote of each member of the governing
20 body shall be individually recorded. The governing body shall
21 adopt its own rules, regulations and procedures.

22 (h) An advisory planning commission shall be appointed
23 by the agency. The commission shall include: the chief plan-
24 ning officers of Placer County, El Dorado County, and the
25 City of South Lake Tahoe in California and of Douglas

1 County, Washoe County and Carson City in Nevada, the ex-
2 ecutive officer of the Lahontan Regional Water Quality Con-
3 trol Board of the State of California, the executive officer of
4 the Air Resources Board of the State of California, the direc-
5 tor of the state department of conservation and natural re-
6 sources of the State of Nevada, the administrator of the divi-
7 sion of environmental protection in the state department of
8 conservation and natural resources of the State of Nevada,
9 the administrator of the Lake Tahoe Management Unit of the
10 United States Forest Service, and at least four lay members
11 with an equal number from each state, at least half of whom
12 shall be residents of the region. Any official member may
13 designate an alternate.

14 The term of office of each lay member of the advisory
15 planning commission shall be 2 years. Members may be reap-
16 pointed.

17 The position of each member of the advisory planning
18 commission shall be considered vacated upon loss of any of
19 the qualifications required for appointments, and in such an
20 event the appointing authority shall appoint a successor.

21 The advisory planning commission shall elect from its
22 own members a chairman and a vice chairman, whose terms
23 of office shall be 2 years and who may be reelected. If a
24 vacancy occurs in either office, the advisory planning com-
25 mission shall fill such vacancy for the unexpired term.

1 A majority of the members of the advisory planning
2 commission constitutes a quorum for the transaction of the
3 business of the commission. A majority vote of the quorum
4 present shall be required to take action with respect to any
5 matter.

6 (i) The agency shall establish and maintain an office
7 within the region, and for this purpose the agency may rent
8 or own property and equipment. Every plan, ordinance and
9 other record of the agency which is of such nature as to
10 constitute a public record under the law of either the State of
11 California or the State of Nevada shall be open to inspection
12 and copying during regular office hours.

13 (j) Each authority charged under this compact or by the
14 law of either state with the duty of appointing a member of
15 the governing body of the agency shall by certified copy of its
16 resolution or other action notify the Secretary of State of its
17 own state of the action taken.

18 ARTICLE IV.—PERSONNEL

19 (a) The governing body shall determine the qualification
20 of, and it shall appoint and fix the salary of, the executive
21 officer of the agency, and shall employ such other staff and
22 legal counsel as may be necessary to execute the powers and
23 functions provided for under this compact or in accordance
24 with any intergovernmental contracts or agreements the
25 agency may be responsible for administering.

1 (b) Agency personnel standards and regulations shall
2 conform insofar as possible to the regulations and procedures
3 of the civil service of the State of California or the State of
4 Nevada, as may be determined by the governing body of the
5 agency; and shall be regional and bistate in application and
6 effect; provided that the governing body may, for administra-
7 tive convenience and at its discretion, assign the administra-
8 tion of designated personnel arrangements to an agency of
9 either state, and provided that administratively convenient
10 adjustments be made in the standards and regulations gov-
11 erning personnel assigned under intergovernmental agree-
12 ments.

13 (c) The agency may establish and maintain or partici-
14 pate in such additional programs of employee benefits as may
15 be appropriate to afford employees of the agency terms and
16 conditions of employment similar to those enjoyed by employ-
17 ees of California and Nevada generally.

18 ARTICLE V.—PLANNING

19 (1) In preparing each of the plans required by this arti-
20 cle and each amendment thereto, if any, subsequent to its
21 adoption, the planning commission after due notice shall hold
22 at least one public hearing which may be continued from time
23 to time, and shall review the testimony and any written rec-
24 ommendations presented at such hearing before recommend-
25 ing the plan or amendment. The notice required by this sub-

1 division shall be given at least 20 days prior to the public
2 hearing by publication at least once in a newspaper or combi-
3 nation of newspapers whose circulation is general throughout
4 the region and in each county a portion of whose territory
5 lies within the region.

6 . The planning commission shall then recommend such
7 plan or amendment to the governing body for adoption by
8 ordinance. The governing body may adopt, modify or reject
9 the proposed plan or amendment, or may initiate and adopt a
10 plan or amendment without referring it to the planning com-
11 mission. If the governing body initiates or substantially modi-
12 fies a plan or amendment, it shall hold at least one public
13 hearing thereon after due notice as required in this subdivi-
14 sion.

15 If a request is made for the amendment of the regional
16 plan by:

17 (1) A political subdivision a part of whose terri-
18 tory would be affected by such amendment; or

19 (2) The owner or lessee of real property which
20 would be affected by such amendment,

21 the governing body shall complete its action on such amend-
22 ment within 180 days after such request is accepted as com-
23 plete according to standards which must be prescribed by or-
24 dinance of the agency.

1 (b) The agency shall develop, in cooperation with the
2 states of California and Nevada, environmental threshold car-
3 rying capacities for the region. The agency should request
4 the President's Council on Environmental Quality, the
5 United States Forest Service and other appropriate agencies
6 to assist in developing such environmental threshold carrying
7 capacities. Within 18 months after the effective date of the
8 amendments to this compact, the agency shall adopt environ-
9 mental threshold carrying capacities for the region.

10 (c) Within 1 year after the adoption of the environmen-
11 tal threshold carrying capacities for the region, the agency
12 shall amend the regional plan so that, at a minimum, the plan
13 and all of its elements, as implemented through agency ordi-
14 nances, rules and regulations, achieves and maintains the
15 adopted environmental threshold carrying capacities. Each
16 element of the plan shall contain implementation provisions
17 and time schedules for such implementation by ordinance.
18 The planning commission and governing body shall continu-
19 ously review and maintain the regional plan. The regional
20 plan shall consist of a diagram, or diagrams, and text, or
21 texts setting forth the projects and proposals for implementa-
22 tion of the regional plan, a description of the needs and goals
23 of the region and a statement of the policies, standards and
24 elements of the regional plan.

1 The regional plan shall be a single enforceable plan and
2 includes all of the following correlated elements:

3 (1) A land-use plan for the integrated arrangement and
4 general location and extent of, and the criteria and standards
5 for, the uses of land, water, air, space and other natural re-
6 sources within the region, including but not limited to an
7 indication or allocation of maximum population densities and
8 permitted uses.

9 (2) A transportation plan for the integrated development
10 of a regional system of transportation, including but not lim-
11 ited to parkways, highways, transportation facilities, transit
12 routes, waterways, navigation facilities, public transportation
13 facilities, bicycle facilities, and appurtenant terminals and
14 facilities for the movement of people and goods within the
15 region. The goal of transportation planning shall be:

16 (A) To reduce dependency on the automobile by
17 making more effective use of existing transportation
18 modes and of public transit to move people and goods
19 within the region; and

20 (B) To reduce to the extent feasible air pollution
21 which is caused by motor vehicles.

22 Where increases in capacity are required, the agency shall
23 give preference to providing such capacity through public
24 transportation and public programs and projects related to
25 transportation. The agency shall review and consider all ex-

1 isting transportation plans in preparing its regional transpor-
2 tation plan pursuant to this paragraph.

3 The plan shall provide for an appropriate transit system
4 for the region.

5 The plan shall give consideration to:

6 (A) Completion of the Loop Road in the states of
7 Nevada and California;

8 (B) Utilization of a light rail mass transit system
9 in the South Shore area; and

10 (C) Utilization of a transit terminal in the Kings-
11 bury Grade area.

12 Until the regional plan is revised, or a new transportation
13 plan is adopted in accordance with this paragraph, the
14 agency has no effective transportation plan.

15 (3) A conservation plan for the preservation, develop-
16 ment, utilization, and management of the scenic and other
17 natural resources within the basin, including but not limited
18 to, soils, shoreline and submerged lands, scenic corridors
19 along transportation routes, open spaces, recreational and
20 historical facilities.

21 (4) A recreation plan for the development, utilization,
22 and management of the recreational resources of the region,
23 including but not limited to, wilderness and forested lands,
24 parks and parkways, riding and hiking trails, beaches and

1 playgrounds, marinas, areas for skiing and other recreational
2 facilities.

3 (5) A public services and facilities plan for the general
4 location, scale and provision of public services and facilities,
5 which, by the nature of their function, size, extent and other
6 characteristics are necessary or appropriate for inclusion in
7 the regional plan.

8 In formulating and maintaining the regional plan, the
9 planning commission and governing body shall take account
10 of and shall seek to harmonize the needs of the region as a
11 whole, the plans of the counties and cities within the region,
12 the plans and planning activities of the state, federal and
13 other public agencies and nongovernmental agencies and or-
14 ganizations which affect or are concerned with planning and
15 development within the region.

16 (d) The regional plan shall provide for attaining and
17 maintaining federal, state, or local air and water quality
18 standards, whichever are strictest, in the respective portions
19 of the region for which the standards are applicable.

20 The agency may, however, adopt air or water quality
21 standards or control measures more stringent than the appli-
22 cable state implementation plan or the applicable federal,
23 state, or local standards for the region, if it finds that such
24 additional standards or control measures are necessary to
25 achieve the purposes of this compact. Each element of the

1 regional plan, where applicable, shall, by ordinance, identify
2 the means and time schedule by which air and water quality
3 standards will be attained.

4 (e) Except for the Regional Transportation Plan of the
5 California Tahoe Regional Planning Agency, the regional
6 plan, ordinances, rules and regulations adopted by the Cali-
7 fornia Tahoe Regional Planning Agency in effect on July 1,
8 1980, shall be the regional plan, ordinances, rules and regu-
9 lations of the Tahoe Regional Planning Agency for that por-
10 tion of the Tahoe region located in the State of California.
11 Such plan, ordinance, rule or regulation may be amended or
12 repealed by the governing body of the agency. The plans,
13 ordinances, rules and regulations of the Tahoe Regional
14 Planning Agency that do not conflict with, or are not ad-
15 dressed by, the California Tahoe Regional Planning Agency's
16 plans, ordinances, rules and regulations referred to in this
17 subdivision shall continue to be applicable unless amended or
18 repealed by the governing body of the agency. No provision
19 of the regional plan, ordinances, rules and regulations of the
20 California Tahoe Regional Planning Agency referred to in
21 this subdivision shall apply to that portion of the region
22 within the State of Nevada, unless such provision is adopted
23 for the Nevada portion of the region by the governing body of
24 the agency.

1 (f) The regional plan, ordinances, rules and regulations
2 of the Tahoe Regional Planning Agency apply to that portion
3 of the region within the State of Nevada.

4 (g) The agency shall adopt ordinances prescribing spe-
5 cific written findings that the agency must make prior to ap-
6 proving any project in the region. These findings shall relate
7 to environmental protection and shall insure that the project
8 under review will not adversely affect implementation of the
9 regional plan and will not cause the adopted environmental
10 threshold carrying capacities of the region to be exceeded.

11 (h) The agency shall maintain the data, maps and other
12 information developed in the course of formulating and ad-
13 ministering the regional plan, in a form suitable to assure a
14 consistent view of developmental trends and other relevant
15 information for the availability of and use by other agencies
16 of government and by private organizations and individuals
17 concerned.

18 (i) Where necessary for the realization of the regional
19 plan, the agency may engage in collaborative planning with
20 local governmental jurisdictions located outside the region,
21 but contiguous to its boundaries. In formulating and imple-
22 menting the regional plan, the agency shall seek the coopera-
23 tion and consider the recommendations of counties and cities
24 and other agencies of local government, of state and federal
25 agencies, of educational institutions and research organiza-

1 tions, whether public or private, and of civic groups and pri-
 2 vate persons.

3 ARTICLE VI.—AGENCY'S POWERS

4 (a) The governing body shall adopt all necessary ordin-
 5 ances, rules, and regulations to effectuate the adopted region-
 6 al plan. Except as otherwise provided in this compact, every
 7 such ordinance, rule or regulation shall establish a minimum
 8 standard applicable throughout the region. Any political sub-
 9 division or public agency may adopt and enforce an equal or
 10 higher requirement applicable to the same subject of regula-
 11 tion in its territory. The regulations of the agency shall con-
 12 tain standards including but not limited to the following:
 13 water purity and clarity; subdivision; zoning; tree removal;
 14 solid waste disposal; sewage disposal; land fills, excavations,
 15 cuts and grading; piers, harbors, breakwaters or channels and
 16 other shoreline developments; waste disposal in shoreline
 17 areas; waste disposal from boats; mobile-home parks; house
 18 relocation; outdoor advertising; flood plain protection; soil
 19 and sedimentation control; air pollution; and watershed pro-
 20 tection. Whenever possible without diminishing the effective-
 21 ness of the regional plan, the ordinances, rules, regulations
 22 and policies shall be confined to matters which are general
 23 and regional in application, leaving to the jurisdiction of the
 24 respective states, counties and cities the enactment of specific

1 and local ordinances, rules, regulations and policies which
2 conform to the regional plan.

3 The agency shall prescribe by ordinance those activities
4 which it has determined will not have substantial effect on
5 the land, water, air, space or any other natural resources in
6 the region and therefore will be exempt from its review and
7 approval.

8 Every ordinance adopted by the agency shall be pub-
9 lished at least once by title in a newspaper or combination of
10 newspapers whose circulation is general throughout the
11 region. Except an ordinance adopting or amending the re-
12 gional plan, no ordinance shall become effective until 60 days
13 after its adoption. Immediately after its adoption, a copy of
14 each ordinance shall be transmitted to the governing body of
15 each political subdivision having territory within the region.

16 (b) No project other than those to be reviewed and ap-
17 proved under the special provisions of subdivisions (d), (e), (f)
18 and (g) may be developed in the region without obtaining the
19 review and approval of the agency and no project may be
20 approved unless it is found to comply with the regional plan
21 and with the ordinances, rules and regulations enacted pursu-
22 ant to subdivision (a) to effectuate that plan. The agency may
23 approve a project in the region only after making the written
24 findings required by this subdivision or subdivision (g) of Arti-

1 cle V. Such findings shall be based on substantial evidence in
2 the record.

3 Before adoption by the agency of the ordinances re-
4 quired in subdivision (g) of Article V, the agency may ap-
5 prove a project in the region only after making written find-
6 ings on the basis of substantial evidence in the record that
7 the project is consistent with the regional plan then in effect
8 and with applicable plans, ordinances, regulations, and stand-
9 ards of federal and state agencies relating to the protection,
10 maintenance and enhancement of environmental quality in
11 the region.

12 (c) The legislatures of the states of California and
13 Nevada find that in order to make effective the regional plan
14 as revised by the agency, it is necessary to halt temporarily
15 works of development in the region which might otherwise
16 absorb the entire capability of the region for further develop-
17 ment or direct it out of harmony with the ultimate plan. Sub-
18 ject to the limitation provided in this subdivision, from the
19 effective date of the amendments to this compact until the
20 regional plan is amended pursuant to subdivision (c) of Arti-
21 cle V, or until May 1, 1983, whichever is earlier:

22 (1) Except as otherwise provided in this para-
23 graph, no new subdivision, planned unit development,
24 or condominium project may be approved unless a
25 complete tentative map or plan has been approved

1 before the effective date of the amendments to this
2 compact by all agencies having jurisdiction. The subdivi-
3 sion of land owned by a general improvement dist-
4 rict, which existed and owned the land before the ef-
5 fective date of the amendments to this compact, may
6 be approved if subdivision of the land is necessary to
7 avoid insolvency of the district.

8 (2) Except as provided in paragraph (3), no apart-
9 ment building may be erected unless the required per-
10 mits for such building have been secured from all agen-
11 cies having jurisdiction, prior to the effective date of
12 the amendments to this compact.

13 (3) During each of the calendar years 1980, 1981
14 and 1982, no city or county may issue building permits
15 which authorize the construction of a greater number
16 of new residential units within the region than were
17 authorized within the region by building permits issued
18 by that city or county during the calendar year 1978.
19 For the period of January through April, 1983, build-
20 ing permits authorizing the construction of no more
21 than one-third of that number may be issued by each
22 such city or county. For purposes of this paragraph a
23 "residential unit" means either a single family resi-
24 dence or an individual residential unit within a larger

1 building, such as an apartment building, a duplex or a
2 condominium.

3 The legislatures find the respective numbers of residen-
4 tial units authorized within the region during the calendar
5 year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) ..	252
2. Placer County	278
3. Carson City	0
4. Douglas County	339
5. Washoe County	739

6 (4) During each of the calendar years 1980, 1981
7 and 1982, no city or county may issue building permits
8 which authorize construction of a greater square foot-
9 age of new commercial buildings within the region
10 than were authorized within the region by building per-
11 mits for commercial purposes issued by that city or
12 county during the calendar year 1978. For the period
13 of January through April, 1983, building permits au-
14 thorizing the construction of no more than one-third
15 the amount of that square footage may be issued by
16 each such city or county.

17 The legislatures find the respective square footages of
18 commercial buildings authorized within the region during cal-
19 endar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) ..	64,324
2. Placer County	23,000
3. Carson City	0
4. Douglas County	57,354
5. Washoe County	50,600

1 (5) No structure may be erected to house gaming
2 under a nonrestricted license.

3 (6) No facility for the treatment of sewage may be
4 constructed or enlarged except:

5 (A) To comply, as ordered by the appropriate
6 state agency for the control of water pollution,
7 with existing limitations of effluent under the
8 Clean Water Act, 33 U.S.C. §1251 et seq., and
9 the applicable state law for control of water pollu-
10 tion;

11 (B) To accommodate development which is
12 not prohibited or limited by this subdivision; or

13 (C) In the case of Douglas County Sewer
14 District #1, to modify or otherwise alter sewage
15 treatment facilities existing on the effective date
16 of the amendments to this compact so that such
17 facilities will be able to treat the total volume of
18 effluent for which they were originally designed,
19 which is 3.0 million gallons per day. Such modifi-
20 cation or alteration is not a "project"; is not sub-
21 ject to the requirements of Article VII; and does
22 not require a permit from the agency. Before
23 commencing such modification or alteration, how-
24 ever, the district shall submit to the agency its
25 report identifying any significant soil erosion prob-

1 lems which may be caused by such modifications
2 or alterations and the measures which the district
3 proposes to take to mitigate or avoid such prob-
4 lems.

5 The moratorium imposed by this subdivision does not
6 apply to work done pursuant to a right vested before the
7 effective date of the amendments to this compact. Notwith-
8 standing the expiration date of the moratorium imposed by
9 this subdivision, no new highway may be built or existing
10 highway widened to accommodate additional continuous
11 lanes for automobiles until the regional transportation plan is
12 revised and adopted.

13 The moratorium imposed by this subdivision does not
14 apply to the construction of any parking garage which has
15 been approved by the agency prior to May 4, 1979, whether
16 that approval was affirmative or by default. The provisions of
17 this paragraph are not an expression of legislative intent that
18 any such parking garage, the approval of which is the subject
19 of litigation which was pending on the effective date of the
20 amendments to this compact, should or should not be con-
21 structed. The provisions of this paragraph are intended solely
22 to permit construction of such a parking garage if a judgment
23 sustaining the agency's approval to construct that parking
24 garage has become final and no appeal is pending or may
25 lawfully be taken to a higher court.

1 (d) Subject to the final order of any court of competent
2 jurisdiction entered in litigation contesting the validity of an
3 approval by the Tahoe Regional Planning Agency, whether
4 that approval was affirmative or by default, if that litigation
5 was pending on May 4, 1979, the agency and the states of
6 California and Nevada shall recognize as a permitted and
7 conforming use:

8 (1) Every structure housing gaming under a non-
9 restricted license which existed as a licensed gaming
10 establishment on May 4, 1979, or whose construction
11 was approved by the Tahoe Regional Planning Agency
12 affirmatively or deemed approved before that date. The
13 construction or use of any structure to house gaming
14 under a nonrestricted license not so existing or ap-
15 proved, or the enlargement in cubic volume of any
16 such existing or approved structure is prohibited.

17 (2) Every other nonrestricted gaming establish-
18 ment whose use was seasonal and whose license was
19 issued before May 4, 1979, for the same season and for
20 the number and type of games and slot machines on
21 which taxes or fees were paid in the calendar year
22 1978.

23 (3) Gaming conducted pursuant to a restricted
24 gaming license issued before May 4, 1979, to the
25 extent permitted by that license on that date.

1 The area within any structure housing gaming under a non-
2 restricted license which may be open to public use (as distinct
3 from that devoted to the private use of guests and exclusive
4 of any parking area) is limited to the area existing or ap-
5 proved for public use on May 4, 1979. Within these limits,
6 any external modification of the structure which requires a
7 permit from a local government also requires approval from
8 the agency. The agency shall not permit restaurants, conven-
9 tion facilities, showrooms or other public areas to be con-
10 structed elsewhere in the region outside the structure in
11 order to replace areas existing or approved for public use on
12 May 4, 1979.

13 (e) Any structure housing licensed gaming may be re-
14 built or replaced to a size not to exceed the cubic volume,
15 height and land coverage existing or approved on May 4,
16 1979, without the review or approval of the agency or any
17 planning or regulatory authority of the State of Nevada
18 whose review or approval would be required for a new struc-
19 ture.

20 (f) The following provisions apply to any internal or ex-
21 ternal modification, remodeling, change in use, or repair of a
22 structure housing gaming under a nonrestricted license which
23 is not prohibited by Article VI(d):

24 (1) The agency's review of an external modifica-
25 tion of the structure which requires a permit from a

1 local government is limited to determining whether the
2 external modification will do any of the following:

3 (A) Enlarge the cubic volume of the struc-
4 ture;

5 (B) Increase the total square footage of area
6 open to one approved for public use on May 4,
7 1979;

8 (C) Convert an area devoted to the private
9 use of guests to an area open to public use;

10 (D) Increase the public area open to public
11 use which is used for gaming beyond the limits
12 contained in paragraph (3); and

13 (E) Conflict with or be subject to the provi-
14 sions of any of the agency's ordinances that are
15 generally applicable throughout the region.

16 The agency shall make this determination within 60
17 days after the proposal is delivered to the agency in
18 compliance with the agency's rules or regulations gov-
19 erning such delivery unless the applicant has agreed to
20 an extension of this time limit. If an external modifica-
21 tion is determined to have any of the effects enumer-
22 ated in subparagraphs (A) through (C), it is prohibited.
23 If an external modification is determined to have any
24 of the effects enumerated in subparagraphs (D) or (E),
25 it is subject to the applicable provisions of this com-

1 pact. If an external modification is determined to have
2 no such effect, it is not subject to the provisions of this
3 compact.

4 (2) Except as provided in paragraph (3), internal
5 modification, remodeling, change in use or repair of a
6 structure housing gaming under a nonrestricted license
7 is not a project and does not require the review or ap-
8 proval of the agency.

9 (3) Internal modification, remodeling, change in
10 use or repair of areas open to public use within a
11 structure housing gaming under a nonrestricted license
12 which alone or in combination with any other such
13 modification, remodeling, change in use or repair will
14 increase the total portion of those areas which is actu-
15 ally used for gaming by more than the product of the
16 total base area, as defined below, in square feet exist-
17 ing on or approved before August 4, 1980, multiplied
18 by 15 percent constitutes a project and is subject to all
19 of the provisions of this compact relating to projects.
20 For purposes of this paragraph and the determination
21 required by Article VI(g), base area means all of the
22 area within a structure housing gaming under a non-
23 restricted license which may be open to public use,
24 whether or not gaming is actually conducted or carried
25 on in that area, except retail stores, convention centers

1 and meeting rooms, administrative offices, kitchens,
2 maintenance and storage areas, rest rooms, engineering
3 and mechanical rooms, accounting rooms and counting
4 rooms.

5 (g) In order to administer and enforce the provisions of
6 paragraphs (d), (e) and (f), the State of Nevada, through its
7 appropriate planning or regulatory agency, shall require the
8 owner or licensee of a structure housing gaming under a non-
9 restricted license to provide:

10 (1) Documents containing sufficient information
11 for the Nevada agency to establish the following rela-
12 tive to the structure:

13 (A) The location of its external walls;

14 (B) Its total cubic volume;

15 (C) Within its external walls, the area in
16 square feet open or approved for public use and
17 the area in square feet devoted to or approved for
18 the private use of guests on May 4, 1979;

19 (D) The amount of surface area of land
20 under the structure; and

21 (E) The base area as defined in paragraph
22 (f)(3) in square feet existing on or approved before
23 August 4, 1980.

24 (2) An informational report whenever any internal
25 modification, remodeling, change in use, or repair will

1 increase the total portion of the areas open to public
2 use which is used for gaming.

3 The Nevada agency shall transmit this information to
4 the Tahoe Regional Planning Agency.

5 (h) Gaming conducted pursuant to a restricted gaming
6 license is exempt from review by the agency if it is incidental
7 to the primary use of the premises.

8 (i) The provisions of subdivisions (d) and (e) are intended
9 only to limit gaming and related activities as conducted
10 within a gaming establishment, or construction designed to
11 permit the enlargement of such activities, and not to limit
12 any other use of property zoned for commercial use or the
13 accommodation of tourists, as approved by the agency.

14 (j) Legal actions arising out of or alleging a violation of
15 the provisions of this compact, of the regional plan or of an
16 ordinance or regulation of the agency or of a permit or a
17 condition of a permit issued by the agency are governed by
18 the following provisions:

19 (1) This subdivision applies to:

20 (A) Actions arising out of activities directly
21 undertaken by the agency.

22 (B) Actions arising out of the issuance to a
23 person of a lease, permit, license or other entitle-
24 ment for use by the agency.

1 (C) Actions arising out of any other act or
2 failure to act by any person or public agency.

3 Such legal actions may be filed and the provisions of
4 this subdivision apply equally in the appropriate courts
5 of California and Nevada and of the United States.

6 (2) Venue lies:

7 (A) If a civil or criminal action challenges an
8 activity by the agency or any person which is un-
9 dertaken or to be undertaken upon a parcel of
10 real property, in the state or federal judicial dis-
11 trict where the real property is situated.

12 (B) If an action challenges an activity which
13 does not involve a specific parcel of land (such as
14 an action challenging an ordinance of the agency),
15 in any state or federal court having jurisdiction
16 within the region.

17 (3) Any aggrieved person may file an action in an
18 appropriate court of the States of California or Nevada
19 or of the United States alleging noncompliance with
20 the provisions of this compact or with an ordinance or
21 regulation of the agency. In the case of governmental
22 agencies, "aggrieved person" means the Tahoe Re-
23 gional Planning Agency or any state, federal or local
24 agency. In the case of any person other than a govern-
25 mental agency who challenges an action of the Tahoe

1 Regional Planning Agency, "aggrieved person" means
2 any person who has appeared, either in person,
3 through an authorized representative, or in writing,
4 before the agency at an appropriate administrative
5 hearing to register objection to the action which is
6 being challenged, or who had good cause for not
7 making such an appearance.

8 (4) A legal action arising out of the adoption or
9 amendment of the regional plan or of any ordinance or
10 regulation of the agency, or out of the granting or
11 denial of any permit, shall be commenced within 60
12 days after final action by the agency. All other legal
13 actions shall be commenced within 65 days after dis-
14 covery of the cause of action.

15 (5) In any legal action filed pursuant to this sub-
16 division which challenges an adjudicatory act or deci-
17 sion of the agency to approve or disapprove a project,
18 the scope of judicial inquiry shall extend only to
19 whether there was prejudicial abuse of discretion. Prej-
20 udicial abuse of discretion is established if the agency
21 has not proceeded in a manner required by law or if
22 the act or decision of the agency was not supported by
23 substantial evidence in light of the whole record. In
24 making such a determination the court shall not exer-
25 cise its independent judgment on evidence but shall

1 only determine whether the act or decision was sup-
2 ported by substantial evidence in light of the whole
3 record. In any legal action filed pursuant to this subdi-
4 vision which challenges a legislative act or decision of
5 the agency (such as the adoption of the regional plan
6 and the enactment of implementing ordinances), the
7 scope of the judicial inquiry shall extend only to the
8 questions of whether the act or decision has been arbi-
9 trary, capricious or lacking substantial evidentiary sup-
10 port or whether the agency has failed to proceed in a
11 manner required by law.

12 (6) The provisions of this subdivision do not apply
13 to any legal proceeding pending on the date when this
14 subdivision becomes effective. Any such legal proceed-
15 ing shall be conducted and concluded under the provi-
16 sions of law which were applicable prior to the effec-
17 tive date of this subdivision.

18 (7) The security required for the issuance of a
19 temporary restraining order or preliminary injunction
20 based upon an alleged violation of this compact or any
21 ordinance, plan, rule or regulation adopted pursuant
22 thereto is governed by the rule or statute applicable to
23 the court in which the action is brought, unless the
24 action is brought by a public agency or political sub-

1 division to enforce its own rules, regulations and ordi-
2 nances in which case no security shall be required.

3 (k) The agency shall monitor activities in the region and
4 may bring enforcement actions in the region to ensure com-
5 pliance with the regional plan and adopted ordinances, rules,
6 regulations and policies. If it is found that the regional plan,
7 or ordinances, rules, regulations and policies are not being
8 enforced by a local jurisdiction, the agency may bring action
9 in a court of competent jurisdiction to ensure compliance.

10 (l) Any person who violates any provision of this com-
11 pact or of any ordinance or regulation of the agency or of any
12 condition of approval imposed by the agency is subject to a
13 civil penalty not to exceed \$5,000. Any such person is sub-
14 ject to an additional civil penalty not to exceed \$5,000 per
15 day, for each day on which such a violation persists. In im-
16 posing the penalties authorized by this subdivision, the court
17 shall consider the nature of the violation and shall impose a
18 greater penalty if it was willful or resulted from gross negli-
19 gence than if it resulted from inadvertence or simple negli-
20 gence.

21 (m) The agency is hereby empowered to initiate, negoti-
22 ate and participate in contracts and agreements among the
23 local governmental authorities of the region, or any other
24 intergovernmental contracts or agreements authorized by
25 state or federal law.

1 (n) Each intergovernmental contract or agreement shall
2 provide for its own funding and staffing, but this shall not
3 preclude financial contributions from the local authorities
4 concerned or from supplementary sources.

5 (o) Every record of the agency, whether public or not,
6 shall be open for examination to the Legislature and Control-
7 ler of the State of California and the legislative auditor of the
8 State of Nevada.

9 (p) Approval by the agency of any project expires 3
10 years after the date of final action by the agency or the effec-
11 tive date of the amendments to this compact, whichever is
12 late, unless construction is begun within that time and dili-
13 gently pursued thereafter, or the use or activity has com-
14 menced. In computing the 3-year period any period of time
15 during which the project is the subject of a legal action which
16 delays or renders impossible the diligent pursuit of that proj-
17 ect shall not be counted. Any license, permit or certificate
18 issued by the agency which has an expiration date shall be
19 extended by that period of time during which the project is
20 the subject of such legal action as provided in this subdivi-
21 sion.

22 (q) The governing body shall maintain a current list of
23 real property known to be available for exchange with the
24 United States or with other owners of real property in order

1 to facilitate exchanges of real property by owners of real
2 property in the region.

3 ARTICLE VII.— ENVIRONMENTAL IMPACT STATEMENTS

4 (a) The Tahoe Regional Planning Agency when acting
5 upon matters that have a significant effect on the environ-
6 ment shall:

7 (1) Utilize a systematic, interdisciplinary approach
8 which will insure the integrated use of the natural and
9 social sciences and the environmental design arts in
10 planning and in decisionmaking which may have an
11 impact on man's environment;

12 (2) Prepare and consider a detailed environmental
13 impact statement before deciding to approve or carry
14 out any project. The detailed environmental impact
15 statement shall include the following:

16 (A) The significant environmental impacts of
17 the proposed project;

18 (B) Any significant adverse environmental ef-
19 fects which cannot be avoided should the project
20 be implemented;

21 (C) Alternatives to the proposed project;

22 (D) Mitigation measures which must be im-
23 plemented to assure meeting standards of the
24 region;

1 (E) The relationship between local short-
2 term uses of man's environment and the mainte-
3 nance and enhancement of long-term productivity;

4 (F) Any significant irreversible and irretriev-
5 able commitments of resources which would be in-
6 volved in the proposed project should it be imple-
7 mented; and

8 (G) The growth-inducing impact of the pro-
9 posed project;

10 (3) Study, develop and describe appropriate alter-
11 natives to recommended courses of action for any proj-
12 ect which involves unresolved conflicts concerning al-
13 ternative uses of available resources;

14 (4) Make available to states, counties, municipali-
15 ties, institutions and individuals, advice and informa-
16 tion useful in restoring, maintaining and enhancing the
17 quality of the region's environment; and

18 (5) Initiate and utilize ecological information in
19 the planning and development of resource-oriented
20 projects.

21 (b) Prior to completing an environmental impact state-
22 ment, the agency shall consult with and obtain the comments
23 of any federal, state or local agency which has jurisdiction by
24 law or special expertise with respect to any environmental
25 impact involved. Copies of such statement and the comments

1 and views of the appropriate federal, state and local agencies
2 which are authorized to develop and enforce environmental
3 standards shall be made available to the public and shall ac-
4 company the project through the review processes. The
5 public shall be consulted during the environmental impact
6 statement process and views shall be solicited during a public
7 comment period not to be less than 60 days.

8 (c) Any environmental impact statement required pursu-
9 ant to this article need not repeat in its entirety any informa-
10 tion or data which is relevant to such a statement and is a
11 matter of public record or is generally available to the public,
12 such as information contained in an environmental impact
13 report prepared pursuant to the California Environmental
14 Quality Act or a federal environmental impact statement pre-
15 pared pursuant to the National Environmental Policy Act of
16 1969. However, such information or data shall be briefly de-
17 scribed in the environmental impact statement and its rela-
18 tionship to the environmental impact statement shall be indi-
19 cated.

20 In addition, any person may submit information relative
21 to a proposed project which may be included, in whole or in
22 part, in any environmental impact statement required by this
23 article.

24 (d) In addition to the written findings specified by
25 agency ordinance to implement the regional plan, the agency

1 shall make either of the following written findings before ap-
2 proving a project for which an environmental impact state-
3 ment was prepared:

4 (1) Changes or alterations have been required in
5 or incorporated into such project which avoid or reduce
6 the significant adverse environmental effects to a less
7 than significant level; or

8 (2) Specific considerations, such as economic,
9 social or technical, make infeasible the mitigation
10 measures or project alternatives discussed in the envi-
11 ronmental impact statement on the project.

12 A separate written finding shall be made for each significant
13 effect identified in the environmental impact statement on the
14 project. All written findings must be supported by substantial
15 evidence in the record.

16 (e) The agency may charge and collect a reasonable fee
17 from any person proposing a project subject to the provisions
18 of this compact in order to recover the estimated costs in-
19 curred by the agency in preparing an environmental impact
20 statement under this article.

21 (f) The agency shall adopt by ordinance a list of classes
22 of projects which the agency has determined will not have a
23 significant effect on the environment and therefore will be
24 exempt from the requirement for the preparation of an envi-
25 ronmental impact statement under this article. Prior to

1 adopting the list, the agency shall make a written finding
2 supported by substantial evidence in the record that each
3 class of projects will not have a significant effect on the envi-
4 ronment.

5 ARTICLE VIII.—FINANCES

6 (a) On or before September 30 of each calendar year the
7 agency shall establish the amount of money necessary to sup-
8 port its activities for the next succeeding fiscal year com-
9 mencing July 1 of the following year. The agency shall ap-
10 portion \$75,000 of this amount among the counties within
11 the region on the same ratio to the total sum required as the
12 full cash valuation of taxable property within the region in
13 each county bears to the total full cash valuation of taxable
14 property within the region. In addition, each county within
15 the region in California shall pay \$18,750 to the agency and
16 each county within the region in Nevada, including Carson
17 City, shall pay \$12,500 to the agency, from any funds availa-
18 ble therefor. The State of California and the State of Nevada
19 may pay to the agency by July 1 of each year any additional
20 sums necessary to support the operations of the agency pur-
21 suant to this compact. If additional funds are required, the
22 agency shall make a request for the funds to the states of
23 California and Nevada. Requests for state funds must be ap-
24 portioned two-thirds from California and one-third from
25 Nevada. Money appropriated shall be paid within 30 days.

1 (b) The agency may fix and collect reasonable fees for
2 any services rendered by it.

3 (c) The agency shall submit an itemized budget to the
4 states for review with any request for state funds, shall be
5 strictly accountable to any county in the region and the
6 states for all funds paid by them to the agency and shall be
7 strictly accountable to all participating bodies for all receipts
8 and disbursement.

9 (d) The agency is authorized to receive gifts, donations,
10 subventions, grants, and other financial aids and funds; but
11 the agency may not own land except as provided in subdivi-
12 sion (i) of Article III.

13 (e) The agency shall not obligate itself beyond the
14 moneys due under this article for its support from the several
15 counties and the states for the current fiscal year, plus any
16 moneys on hand or irrevocably pledged to its support from
17 other sources. No obligation contracted by the agency shall
18 bind either of the party states or any political subdivision
19 thereof.

20 ARTICLE IX.—TRANSPORTATION DISTRICT

21 (a) The Tahoe transportation district is hereby estab-
22 lished as a special purpose district. The boundaries of the
23 district are coterminous with those of the region.

24 (b) The business of the district shall be managed by a
25 board of directors consisting of:

1 (1) One member of the county board of supervi-
2 sors of each of the counties of El Dorado and Placer;

3 (2) One member of the city council of the City of
4 South Lake Tahoe;

5 (3) One member each of the board of county com-
6 missioners of Douglas County and of Washoe County;

7 (4) One member of the board of supervisors of
8 Carson City;

9 (5) The director of the California Department of
10 Transportation; and

11 (6) The director of the department of transporta-
12 tion of the State of Nevada.

13 Any director may designate an alternate.

14 (c) The vote of at least five of the directors must agree
15 to take action. If at least five votes in favor of an action are
16 not cast, an action of rejection shall be deemed to have been
17 taken.

18 (d) The Tahoe transportation district may in accordance
19 with the adopted transportation plan:

20 (1) Own and operate a public transportation
21 system to the exclusion of all other publicly owned
22 transportation systems in the region.

23 (2) Acquire upon mutually agreeable terms any
24 public transportation system or facility owned by a

1 county, city or special purpose district within the
2 region.

3 (3) Hire the employees of existing public transpor-
4 tation systems that are acquired by the district without
5 loss of benefits to the employees, bargain collectively
6 with employee organizations, and extend pension and
7 other collateral benefits to employees.

8 (4) Fix the rates and charges for transit services
9 provided pursuant to this subdivision.

10 (5) Issue revenue bonds and other evidence of in-
11 debtedness.

12 (6) By resolution, determine and propose for adop-
13 tion a tax for the purpose of obtaining services of the
14 district. The tax proposed must be general and of uni-
15 form operation throughout the region, and may not be
16 graduated in any way. The district is prohibited from
17 imposing an ad valorem tax, a tax measured by gross
18 or net receipts on business, a tax or charge that is as-
19 sessed against people or vehicles as they enter or leave
20 the region, and any tax, direct or indirect, on gaming
21 tables and devices.

22 Any such proposition must be submitted to the voters of the
23 district and shall become effective upon approval of two-
24 thirds of the voters voting on the proposition. The revenues

1 from any such tax must be used for the service for which it
2 was imposed, and for no other purpose.

3 (7) Provide service from inside the region to con-
4 venient airport, railroad and interstate bus terminals
5 without regard to the boundaries of the region.

6 (e) The legislatures of the states of California and
7 Nevada may, by substantively identical enactments, amend
8 this article.

9 ARTICLE X.—MISCELLANEOUS

10 (a) It is intended that the provisions of this compact
11 shall be reasonably and liberally construed to effectuate the
12 purposes thereof. Except as provided in subdivision (c), the
13 provisions of this compact shall be severable and if any
14 phrase, clause, sentence or provision of this compact is de-
15 clared to be contrary to the constitution of any participating
16 state or of the United States or the applicability thereof to
17 any government, agency, person or circumstance is held in-
18 valid, the validity of the remainder of this compact and the
19 applicability thereof to any government, agency, person or
20 circumstance shall not be affected thereby. If this compact
21 shall be held contrary to the constitution of any state partici-
22 pating therein, the compact shall remain in full force and
23 effect as to the remaining state and in full force and effect as
24 to the state affected as to all severable matters.

1 (b) The agency shall have such additional powers and
2 duties as may hereafter be delegated or imposed upon it from
3 time to time by the action of the Legislature of either state
4 concurred in by the Legislature of the other.

5 (c) A state party to this compact may withdraw there-
6 from by enacting a statute repealing the compact. Notice of
7 withdrawal shall be communicated officially and in writing to
8 the Governor of the other state and to the agency administra-
9 tors. This provision is not severable, and if it is held to be
10 unconstitutional or invalid, no other provision of this compact
11 shall be binding upon the State of Nevada or the State of
12 California.

13 (d) No provision of this compact shall have any effect
14 upon the allocation, distribution or storage or interstate
15 waters or upon any appropriative water right.

16 SEC. 2. The Secretary of Agriculture and the heads of
17 other appropriate agencies are authorized, upon the request
18 of the Tahoe Regional Planning Agency, to cooperate with
19 the Tahoe Regional Planning Agency in all respects compati-
20 ble with carrying out the normal duties of their agencies.

21 SEC. 3. The right to alter, amend, or repeal this Act is
22 hereby expressly reserved.

Mr. DANIELSON. We are honored to have with us the entire Nevada delegation. Congressman Jim Santini. As dean of that delegation, sir, would you tell us what you have in mind.

TESTIMONY OF HON. JIM SANTINI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA, ACCOMPANIED BY FRED WELDON, RESEARCH ANALYST, NEVADA LEGISLATIVE COUNCIL

Mr. SANTINI. Yes, thank you, Mr. Chairman. I would like to introduce to the committee Mr. Fred Weldon, senior research analyst, Nevada Legislative Council, and the chief Nevada staffperson on the Tahoe negotiations, which means he lived, ate, and breathed these bistate negotiations and compact.

I am appearing before the committee to testify in support of my bill H.R. 8235, which is the legislative implementation of that California-Nevada bistate compact. I am joined in cosponsorship by several distinguished members of the impressive California-Nevada delegation, including Mr. Johnson, Mr. Burton, Mr. Clausen, Mr. Shumway, and Mr. Fazio.

Mr. DANIELSON. Mr. Harold T. "Bizz" Johnson.

Mr. SANTINI. Mr. Johnson.

At the outset, Mr. Chairman, I would offer for the record the statement of Hon. Harold T. "Bizz" Johnson, who was not able to be here today to testify.

Mr. DANIELSON. Without objection, Mr. Johnson's statement will be included in the record in its entirety. I notice that he enthusiastically endorses this compact.

[Mr. Johnson's statement follows:]

PREPARED STATEMENT OF HON. HAROLD T. (BIZZ) JOHNSON

Mr. Chairman, I appear in support of H.R. 8235, legislation to ratify amendments to the Tahoe Regional Planning Compact which was originally written in 1968 and ratified by Congress in 1969.

I was the author of the original legislation for ratification of this Compact, with Mr. Walter Baring of Nevada as principal co-sponsor. At that time, our former colleague and I represented the two Congressional Districts in which the Lake Tahoe Basin was then contained.

As you know, I am a co-sponsor of the present legislation, along with the Members who represent the districts which now cover the Tahoe Basin, Mr. Santini of Nevada and Mr. Shumway of California.

In my judgment, the fact that the States of California and Nevada have finally agreed on amendments to this Compact demonstrates general recognition that the Tahoe Regional Planning Agency (TRPA) provides the best democratic mechanism that we know of to deal with the difficult problems of the Lake Tahoe Basin.

There had been an argument that there was no way that an entity made up of representatives from local and state governments and governmental agencies could deal with basin problems in an effective way. The case was made that the Federal Government should step in and take charge. Some still hold such views, I suppose.

From the beginning, there were problems with the procedures of TRPA, largely caused by the fact that the agency encompassed an area lying in two states, each concerned about its autonomy. However, as I have long held, the problems were not with the regional agency concept, but with some of this particular agency's rules and procedures. It became more and more clear that some improvements would have to be made.

The regional planning and coordinating agency provides for representation from the governmental units serving the Basin. It provides a mechanism for negotiation between different interest and points of view, and for developing consensus, if consensus is possible.

Mr. Chairman, it would take some time to outline in detail the disputes, frustration, disappointments, and failed efforts that have marked the long struggle over TRPA. There were serious efforts to kill the agency. There was widespread belief

that it could not survive. But, in the end, the two states did agree to the revisions that are spelled out in the legislation before you today.

Because the specific details of these Compact amendments have been negotiated, examined, and re-examined by officials of California and Nevada, Congress is now called upon, generally, to ratify or to not ratify their agreement. I do not know to what extent any attempt to amend the actual Compact amendments themselves will be feasible, under the circumstances.

From the beginning, I have believed that the Congress, in ratifying the Tahoe Regional Compact, was recognizing the agreement between the states for what it was. I did not believe that Congress was being called upon to put its stamp of approval on the specific details of that Compact, or that Congress was giving the Compact the status of a Federal agreement, or an agreement in which the Federal Government had participated.

That's the same situation that we face with regard to ratifying amendments to the Compact, in my judgment. In ratifying this bi-state agreement, I believe, we are officially confirming it as just that—a bi-state agreement.

I trust, Mr. Chairman, that on this basis the Subcommittee will move our legislation of ratification ahead as time permits.

Thank you.

Mr. SANTINI. I know you personally are well acquainted with the geographical and environmental circumstances of the Lake Tahoe basin, and in consideration of your time constraints and those of Mr. Hughes, I will not go into specific details in the initial phase of my testimony but I will pick it up by way of brief historical recital.

In 1968, the State Legislatures of Nevada and California recognized that it was necessary for the two States to work together to address the problems associated with mushrooming growth and activity in the Lake Tahoe basin. Consequently, the two States agreed on a Tahoe Regional Planning Compact and in 1969 the U.S. Congress ratified the agreement.

Over the last 10 years, the Tahoe Regional Planning Agency experienced growing pains. It became very clear that the compact which sets the guidelines for accommodating growth and maintaining the environment, needed revitalization. The TRPA concept of regional control over the area is still a sound one, but the organization is desperately in need of repair.

Californians and Nevadans have spent almost a decade negotiating and deliberating on amendments to the 1969 bistate compact. On August 31, 1980, the Governor of California signed into law a complete revision of the Tahoe Regional Planning Compact. Two weeks later the Nevada Legislature met in an unprecedented special session and adopted an identical version of the legislation.

It is that document, which both State legislatures enacted and both Governors signed into law, which is before you today. Let me describe the major points of the new Tahoe Regional Planning Compact.

One. A new voting procedure is created which has the effect of making project approval more difficult.

Two. The new TRPA will develop environmental threshold capacities with the assistance of Federal agencies.

Three. A limited moratorium on development is established until a basin-wide plan is developed.

Four. No new casinos—which have not already been approved—may be built, nor may any existing casinos be expanded.

Five. Environmental impact statements are required prior to project approval.

Six. A transportation district is established to administer transportation plans to be developed by the new Tahoe Regional Planning Agency.

H.R. 8235 is the vehicle which will give congressional approval to the arduous efforts of California and Nevada to preserve and protect the environment in this unique area of the United States. In addition to the strong endorsement shown by the two State legislatures and Governors, the new Tahoe Regional Planning Compact has the enthusiastic support of the Members of the Congress which represent Lake Tahoe, and I have already identified them.

I believe ratification of the bistate compact for Lake Tahoe is the single most important piece of legislation which the Tahoe basin will see in the decade of the 1980's. The Tahoe Regional Planning Compact represents a true partnership of State, local, and Federal governments working together toward a common goal.

I appreciate the opportunity to be heard, and I urge you to recommend favorable passage of H.R. 8235 during the waning hours of the so-called lameduck session. I am particularly grateful that you have included us on your agenda. I would hope that, given the realistic aspect of expedited consideration in the House and my assurances from my California and Nevada senatorial colleagues on the other side of the Capitol, that if we were able to move this through the House, they felt very confident that it could be similarly adopted in the Senate before the conclusion of this lameduck session.

Mr. Chairman, I have some additional technical remarks that I wish to have included as part of my testimony.

Mr. DANIELSON. Are they a part of the statement?

Mr. SANTINI. They are a part of the statement.

Mr. DANIELSON. The entire statement will be included in the record.

[Mr. Santini's statement follows:]

PREPARED STATEMENT OF HON. JIM SANTINI

Chairman Danielson and distinguished subcommittee members, I appreciate the opportunity to appear before you today in support of my bill to ratify the Tahoe Regional Planning Compact. I am particularly indebted to the Chairman for scheduling H.R. 8235 in the closing days of the 96th session of Congress.

For those of you who are not as familiar with the Lake Tahoe Basin as the chairman and I are, I would like to take a minute to tell you about some of the problems there and how the bi-state compact will solve them.

Lake Tahoe is a large alpine lake which lies in both Nevada and California. It is, in truth, a great American treasure. But Lake Tahoe is in trouble. From those days when the Tahoe Basin was home to Washoe Indians, this pristine lake has become a highly urbanized area for second home development, for ski resorts, for gaming, and for many, many other commercial and residential activities. We are indeed in danger of loving Lake Tahoe to death. Although this beautiful natural resource still can be characterized as "exceptionally clean," water quality over the past ten years has declined at an alarming rate. We cannot turn the clock back to those days when Mark Twain described Lake Tahoe as the "Jewel of the Sierras," but we still have time to preserve and protect the lake for residents and visitors for generations to come.

In 1968, the State legislatures of Nevada and California recognized that it was necessary for the two States to work together to address the problems associated with mushrooming growth and activity in the Lake Tahoe Basin. Consequently the two States agreed on a Tahoe regional planning compact and in 1969 the U.S. Congress ratified the agreement. Over the last ten years, the Tahoe Regional Planning Agency experienced growing pains. It became very clear that the compact, which sets the guidelines for accommodating growth and maintaining the environ-

ment, needed revitalization. The TRPA concept of regional control over the area is still a sound one, but the organization is desperately in need of repair.

Californians and Nevadans have spent almost a decade negotiating and deliberating on amendments to the 1969 bi-state compact. On August 31, 1980, the Governor of California signed into law a complete revision of the Tahoe regional planning compact. Two weeks later the Nevada legislature met in an unprecedented special session and adopted an identical version of the legislation.

It is that document, which both State legislatures enacted and both governors signed into law, which is before you today. Let me describe the major points of the new Tahoe regional planning compact:

1. A new bi-State governing board is created.
2. A new voting procedure is created which has the effect of making project approval more difficult.
3. The new TRPA will develop environmental threshold capacities with the assistance of federal agencies.
4. A limited moratorium on development is established until a basin-wide plan is developed.
5. No new casinos (which have not already been approved) may be built, nor may any existing casinos be expanded.
6. Environmental impact statements are required prior to project approval.
7. A transportation district is established to administer transportation plans to be developed by the new Tahoe regional planning agency.

H.R. 8235 is the vehicle which will give Congressional approval to the arduous efforts of California and Nevada to preserve and protect the environment in this unique area of the United States. In addition to the strong endorsement shown by the two State legislatures and governors, the new Tahoe regional planning compact has the enthusiastic support of the Congressional delegations representing the Lake Tahoe basin. Joining me in introduction of H.R. 8235 are my colleagues Bizz Johnson, Norm Shumway, Phil Burton, Don Clausen and Vic Fazio. We have, in this one instance, put aside our regional and our philosophical differences to provide for the betterment of this national resource.

I believe ratification of the bi-State compact for Lake Tahoe is the single most important piece of legislation which the Tahoe basin will see in the decade of the 1980's. The Tahoe regional planning compact represents a true partnership of State, local and federal governments working together towards a common goal.

I appreciate the opportunity to be heard, and I urge you to recommend favorable passage of H.R. 8235 during the lame duck session.

I would like to draw your attention to some technical points which have been attached to my statement for the record. I would also like to request the opportunity to submit additional comments into the record after agency reports and other testimony have been filed.

Thank you.

ADDITIONAL TECHNICAL REMARKS ON H.R. 8235 BY HON. JIM SANTINI

H.R. 8235 is a simple ratification measure which gives Congressional approval to an agreement reached by the California legislature in chapter 872 of the statutes of 1980 and the Nevada legislature in chapter 1, statutes of Nevada, 1980.

Section 1 of H.R. 8235 contains the exact wording of the Tahoe regional compact itself.

Section 2 provides that the Secretary of Agriculture (who administers federal land in the Tahoe basin) and other federal agencies are authorized to cooperate with the regional planning agency. This is very similar to a provision in the 1969 TRPA Act.

Section 3 reserve to Congress the right to amend the Act and was also in the 1969 Act.

It is my understanding that the U.S. Forest Service would like to add a few additional sections to the bill which are of a housekeeping nature and were all contained in the 1969 Tahoe Compact Act. The only substantive change, I believe the forest service finds important is an additional selection providing for a nonvoting federal representative to the Tahoe regional planning governing board. I have no objection to such a provision, and a similar provision is found in the 1969 TRPA Act.

Mr. SANTINI. Thank you, Mr. Chairman. Mr. Weldon is here.

Mr. DANIELSON. Let me ask you one question. Do you know of anybody concerned who is opposed to this compact?

Mr. SANTINI. Mr. Chairman, I can say there is almost unanimous support.

Mr. DANIELSON. Does your colleague have anything that he feels is necessary to add?

Mr. WELDON. No, sir. I am here as technical backup.

Mr. DANIELSON. I didn't mean to intimidate you with that question. I have received no communication, oral or written, in opposition to this compact, and I have not read anything in the press or elsewhere, in opposition.

Mr. SANTINI. I think not, Mr. Chairman.

Mr. DANIELSON. For the information of my colleagues, I have been to Tahoe a few times. It is beautiful up there. The lake is cobalt blue, but the cultural expansion at Lake Tahoe in recent years does require some orderly control of development of the area.

Mr. SANTINI. Very well said, Mr. Chairman, and it is certainly true.

Mr. DANIELSON. Mr. Hughes, questions?

Mr. HUGHES. Mr. Chairman, I have no questions. I congratulate my colleague on his testimony.

Mr. DANIELSON. There seem to be no questions. You have done a great job. You have overwhelmed us with your testimony. We thank you for coming and for waiting so long.

Do we have any statements from others?

Mr. SHATTUCK. Mr. Chairman, we have the statement of Mr. Johnson that Mr. Santini has referred to and submitted for inclusion in the record.

Mr. DANIELSON. Without objection, we will keep the record open to receive statements from other Members of the Congress who may be interested in submitting them. The time will be very short, however. They will have to get them in almost immediately.

Did you have another comment?

[Discussion off the record.]

Mr. SANTINI. If I might proceed back on the record, I am advised that the Forest Service will submit a comment and that comment will be favorable.

Mr. DANIELSON. If you have any influence with the Forest Service, would you give them a little prod?

Mr. SANTINI. We have a representative here, and he can consider himself duly prodded.

Mr. DANIELSON. Fine. Get it up this afternoon or, at the latest, tomorrow morning. In that event, we can probably act.

Mr. SANTINI. That is encouraging. Thank you Mr. Chairman.

Mr. DANIELSON. The hearing will be closed for today. The record remains open to receive any statements that may come in.

Thank you very much.

[Whereupon at 12:45 p.m., the subcommittee adjourned.]

[The comment of the Department of Agriculture which was referred to in the course of the hearing is as follows:]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 17, 1980.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here are the views of the Department of Agriculture on H.R. 8235, a bill "To grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created."

The Department of Agriculture strongly recommends the enactment of H.R. 8235 if amended, as indicated herein, to ensure that the interests of the United States Government are appropriately represented and protected.

The Congress recognized the need for protection of the unique qualities of the Lake Tahoe Basin when it ratified the Tahoe Regional Planning Compact on December 18, 1969 (Public Law 91-148, 83 Stat. 360). That Compact had been adopted by the States of California and Nevada to establish the Tahoe Regional Planning Agency (TRPA). It empowered the TRPA to develop and implement a regional plan and to establish standards, ordinances, and regulations which would maintain balance between the region's natural endowment and its man-made environment. Although that Compact enabled significant accomplishments in rezoning on the basis of land capability, the objectives of the Compact were not fully achieved because of significant deficiencies in voting procedure, 60-day administrative rule, the lack of zoning jurisdiction over certain lands, and the uncertainty of financial support for the TRPA. Unfortunately, the environmental degradation of Lake Tahoe and its surroundings continued.

On May 30, 1980, President Carter stated that Lake Tahoe is a national treasure and that the Lake Tahoe Basin is an area of national concern in which the protection of environmental qualities is of critical importance. He urged the States of California and Nevada to make the Tahoe Regional Planning Compact operate more effectively.

Subsequently, both States did amend the Compact and submitted it to the Congress for ratification. H.R. 8235 is the proposal for Congressional consent to the amended Compact which contains many improvements over the original bi-state agreement. It is important that Congress act promptly to grant consent to the bi-state Compact as California terminates the old compact December 31, 1980, and cannot initiate the new compact until it is ratified by Congress. Loss of momentum at this revitalization stage would indeed be a setback.

Some of the key improvements in the proposed new Compact are:

1. Environmental threshold carrying capacities are to be developed and used as the basis for the regional plan.
2. Plan revision must achieve and maintain the environmental threshold carrying capacities.
3. State versus local representation on the governing body of TRPA would be better balanced (i.e. 4:3).
4. The opportunity for project approval by default is eliminated.
5. A majority vote by both States is needed to adopt or change environmental threshold carrying capacities, the plan, and ordinances, rules, and regulations.
6. A Tahoe Transportation District is established.
7. A moratorium on subdivisions, condominiums, apartments, planned unit developments, new casinos, and sewage treatment facilities is established until a regional plan is revised.

We believe these improvements in the Compact will greatly enhance the protection of the Lake and its environs. The amended Compact, however, lacks the following four provisions which the Ninety First Congress had added to the original Compact:

"The consent to the compact by the United States is subject to the condition that the President may appoint a non-voting representative of the United States to the governing body of the Tahoe Regional Planning Agency.

"Any additional powers conferred on the Agency pursuant to Article X, Section 1(b) of the compact shall not be exercised unless consented to by the Congress.

"Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

"The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by or concerning the Tahoe Regional Planning Agency as is deemed appropriate by the Congress or such committee."

We believe these provisions are needed to ensure positive interaction at all levels of government and to protect against infringement of valid Federal interests and prerogatives. We recommend they be added as separate sections (4, 5, 6, and 7) to Article X of H.R. 8235.

The Office of Management and Budget advises that the enactment of H.R. 8235, if amended as recommended here, would be in accord with the President's program.

Sincerely,

BOB BERGLAND,
Secretary.

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